



SUD-002-USA-P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
N. Ninjouji, et al.

Serial No.: 09/437,111

Art Unit: 1761

Filed: November 9, 1999

Examiner: To Be Assigned

For: Sparkling Low Alcoholic Beverage Sake And Producing Method Thereof

**SUBMISSION OF MISSING PARTS OF APPLICATION
UNDER 37 C.F.R. 1.53**

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

RECEIVED

OCT 05 2001

ATTENTION: BOX MISSING PARTS

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Sir:

Enclosed are the following items for filing in the above-referenced pending U.S. Patent Application, in response to the Notice of Missing Parts:

1. PTO Form 1533
2. Declaration and Power of Attorney, executed by the Applicants.
3. Check to cover the surcharge set forth in 37 C.F.R. 1.16(e) in the amount of \$130.00.

The Commissioner is hereby authorized to charge payment of any additional fees due or credit any overpayment to Deposit Account No. 20-1424. A duplicate copy of this sheet is enclosed.

Having now complied with all requirements of 37 C.F.R. 1.53, Applicants respectfully request that this application be placed upon the files for examination.

Respectfully submitted,

Donald E. Townsend

Reg. No. 22,069

Date: October 3, 2001

TOWNSEND & BANTA
Suite 500, #50028
1225 Eye Street, N.W.
Washington, D.C. 20005
(202) 682-4727



LAW OFFICES OF TOWNSEND & BANTA
INTELLECTUAL PROPERTY LAW & LITIGATION
SUITE 500
1225 EYE STREET, N.W.
WASHINGTON, D.C. 20005 U.S.A.

TELEPHONE 202-682-4727

#5
FACSIMILE 301-754-6495

December 16, 1999

VIA FACSIMILE

Mr. Atsushi Suda
ATSUSHI SUDA PATENT & TRADEMARK LAW OFFICE
2-10-80002, Nishikicho 1-chome
Aoba-ku, Sendai-shi
Miyagi 980, Japan

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OCT 05 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Re: Your Ref: ICHINOKURA493
Our Ref: SUD-002-USA-P
U.S. Patent Application No. 09/437,111
Title: Sparkling Low Alcoholic Beverage Sake And
Producing Method Thereof

Dear Mr. Suda:

Enclosed please find a copy of the Notice to File Missing Parts of the Application that we recently received from the U.S. Patent and Trademark Office.

As you are aware, this Notice is sent whenever a patent application is filed informally. Informally is intended to mean that all the required parts to the application were not filed simultaneously with the filing of the application, i.e., Declaration and Power of Attorney.

This Notice states that we must file the Declaration and Power of Attorney for this application on or before **February 8, 2000**. At the time we file the Declaration we will also be required to pay the surcharge of \$130 for large entities.

We are unsure as to whether this applicant is a small entity. However, if they are, please note that if the Declaration Claiming Small Entity Status is not filed by January 9, 2000, the client will have to pay the large entity filing fee. Therefore, please notify us soon as to whether small entity status applies and, if so, please forward to us the executed Declaration Claiming Small Entity Status.

We have docketed the due date for the filing of the Declaration and would appreciate it if you would advise us when we can expect to receive the Declaration.

Please do not hesitate to contact us if you have any questions regarding the enclosed.

Very truly yours,

Donald E. Townsend, Jr.

Donald E. Townsend, Jr.

December 16, 1999
Page Two

DON\com
Enclosure



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
|--------------------|---------------------|-----------------------|---------------------------|

09/437,111 11/09/99 NINJOUJI A SUD-002-USA-

TOWNSEND & BANTA
1225 EYE STREET NW
SUITE 500
WASHINGTON DC 20005

026253208
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OCT 05 2001

NOT ASSIGNED

1761

DATE MAILED:

12/08/99

OFFICE OF PETITIONS
DEPUTY A/C PATENT

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ small entity (statement filed) ☒ non-small entity is \$ 130.00.

- ☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.

\$ _____ for _____ independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.